

ORDINANCE NO. 2024 - 1769

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, AMENDING THE TOWN OF SURFSIDE CODE OF ORDINANCES BY AMENDING DIVISION 2. - STORMWATER MANAGEMENT REQUIREMENTS, OF ARTICLE II. – STORMWATER DRAINAGE MANAGEMENT” OF CHAPTER 34 – “ENVIRONMENT” PROVIDING FOR STORMWATER RETENTION ON-SITE FOR ALL NEW SINGLE-FAMILY HOMES; AMENDING SECTION 90-56 – “FENCES, WALLS AND HEDGES” TO ESTABLISH RETENTION WALL STANDARDS FOR NEW SINGLE-FAMILY HOMES; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

1 **WHEREAS**, Article VIII, Section 2 of the Florida Constitution, and Chapter 166,
2 Florida Statutes, provide municipalities with the authority to exercise any power for
3 municipal purposes, except where prohibited by law, and to adopt ordinances in
4 furtherance of such authority; and

5 **WHEREAS**, the Town Commission of the Town of Surfside (“Town”) finds it
6 periodically necessary to amend its Code of Ordinances and Land Development Code
7 (“Code”) in order to update regulations and procedures to maintain consistency with state
8 law, to implement municipal goals and objectives, to clarify regulations and address
9 specific issues and needs that may arise; and

10 **WHEREAS**, it has become customary for newly constructed homes to raise the
11 grade or ground level of the rear yard to better approximate the required design flood
12 elevation of new homes; and

13 **WHEREAS**, the Town’s Code does not require or provide standards for retaining
14 walls built to retain soil and water on-site, and the Town Commission finds that regulations
15 and standards are necessary to require on-site retention and containment of all
16 stormwater for new single-family homes and to provide standards for construction of
17 retention walls compliant with Miami-Dade County and State regulations, including the
18 Florida Building Code, to reduce stormwater run-off to abutting properties and provide for
19 aesthetics and compatibility with abutting properties; and
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WHEREAS, Division 2. – Stormwater Management Requirements (Sections 34-41 through 34-43 of the Town Code), of Article II. – Stormwater Drainage Management, of Chapter 34 – “Environment” provides for stormwater regulations and performance and development standards for development, but exempts construction of single-family or duplex residential dwelling units from such standards; and

WHEREAS, the Town Commission wishes to amend Sections 34-41 through 34-43 of the Town Code to require on-site retention of all stormwater for new construction of single-family homes, and in all instances where the existing grade or elevation of a site is modified, engineering plans shall be provided indicating the retention of all stormwater on site in accordance with the Town Code, Miami- Dade County and State regulations, including the Florida Building Code; and

WHEREAS, the Town Commission further wishes to amend Section 90-56. – “Fences, Walls and Hedges” of the Code to establish standards for retention walls in connection with new construction of single-family homes, including height and design of the walls; and

WHEREAS, at a regular meeting of the Town Commission held on December 12, 2023, the Town Commission directed the Town Attorney to present an ordinance addressing stormwater retention on site and standards for retention walls for new single-family homes; and

WHEREAS, the Town Commission held its first public hearing on January 9, 2024, and having complied with the notice requirements in the Florida Statutes, recommended approval of the proposed amendments to the Code; and

WHEREAS, the Planning and Zoning Board, serving as the local planning agency for the Town, held its hearing on the proposed amendment to the Code on January 18, 2024, with due public notice and input, and recommended approval of the proposed amendments to the Code with changes to provide for a maximum height from a fixed references point, retaining walls to be finished to satisfaction of the building official, and to require an engineering field check of stormwater retention facilities prior to certificate of occupancy; and

51 **WHEREAS**, the Town Commission has conducted a second duly noticed public
52 hearing on these Code amendments as required by law on February 13, 2024 and further
53 finds the proposed changes to the Code are necessary and in the best interest of the
54 Town.

55 **NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COMMISSION OF THE**
56 **TOWN OF SURFSIDE, FLORIDA¹:**

57
58 **Section 1. Recitals.** The above Recitals are true and correct and are
59 incorporated herein by this reference:

60 **Section 2. Town Code Amended.** Division 2. – Stormwater Management
61 Requirements (Sections 34-41 through 34-43 of the Town Code), of Article II. –
62 Stormwater Drainage Management, of Chapter 34 – “Environment” are hereby amended
63 as follows:

64 **DIVISION 2. - STORMWATER MANAGEMENT REQUIREMENTS**

65 **Sec. 34-41. - Exemptions.**

66 The following development activities are exempt from the provisions of this
67 division, except that steps to control erosion and sedimentation must be taken
68 for all development.

69 (1) ~~The construction of a single family or duplex residential dwelling unit~~
70 ~~and accessory structures on a single parcel of land.~~

71 (2) Maintenance activity that does not change or affect the quality, rate,
72 volume or location of stormwater flows on the site or of stormwater
73 runoff.

74 (32) Action taken under emergency conditions to prevent imminent harm
75 or danger to persons, or to protect property from imminent fire, violent
76 storms, hurricanes or other hazards.

77 **Sec. 34-42. - Performance standards.**

¹ Coding: ~~Strikethrough words~~ are deletions to the existing words. Underlined words are additions to the existing words. Changes between first and second reading are indicated with highlighted ~~double-strikethrough~~ and double underline.

78 All development must be designed, constructed and maintained to meet the
79 following performance standards:

80 (1) Stormwater retention on-site. In all instances where the elevation of
81 the existing grade of a site is raised, a site shall be designed to retain
82 all stormwater on site in accordance with the requirements of this Code
83 and Miami-Dade County and regulations, including the Florida Building
84 Code. Design and calculations demonstrating compliance shall be set
85 forth in plans signed and sealed by a Florida licensed engineer and
86 submitted as part of the building permit application.

87 (42) While development activity is underway and after it is completed, the
88 characteristics of stormwater runoff shall approximate the rate,
89 volume, quality, and timing of stormwater runoff that occurred under
90 the site's natural unimproved or existing state, except that the first inch
91 of stormwater runoff shall be treated in an off-line retention system or
92 such other system as may be approved by the county department of
93 environmental resource management.

94 (23) The proposed development and development activity shall not violate
95 the water quality standards as set forth in chapter 17-3, Florida
96 Administrative Code.

97 **Sec. 34-43. - Design standards.**

98 To comply with the performance standards set forth in this division, the
99 proposed stormwater management system shall conform to the following design
100 standards:

101 (1) Detention and retention systems shall be designed to comply with the
102 Stormwater Management Manual adopted by Miami-Dade County, this Code
103 and all State regulations, including the Florida Building Code.

104 (2) To the maximum extent practicable, natural systems shall be used to
105 accommodate stormwater.

106 (3) The proposed stormwater management system shall be designed to
107 accommodate the stormwater that originated within the development on-site
108 and stormwater that flows onto or across the development from adjacent lands.

109 (4) The proposed stormwater management system shall be designed to
110 function properly for a minimum 20-year life.

111 (5) The design and construction of the proposed stormwater management
112 system shall be certified as meeting the requirements of this article by a
113 professional engineer registered in the state.

- 114 (6) No surface water may be channelled or directed into a sanitary sewer.
- 115 (7) The proposed stormwater management system shall be compatible with the
116 stormwater management facilities on surrounding properties or streets, taking
117 into account the possibility that substandard systems may be improved in the
118 future.
- 119 (8) The banks of detention and retention areas shall be sloped to accommodate,
120 and shall be planted with, appropriate vegetation.
- 121 (9) Dredging, clearing of vegetation, and deepening, widening, straightening,
122 stabilizing or otherwise altering natural surface waters shall be minimized.
- 123 (10) Natural surface waters shall not be used as sediment traps during or after
124 development.
- 125 (11) Water reuse and conservation shall, to the maximum extent practicable,
126 be achieved by incorporating the stormwater management system into irrigation
127 systems serving the development.
- 128 (12) The grading of all properties other than single-family lots located west of
129 Collins Avenue shall be designed so that the average grade elevation of the lot,
130 other than the building's footprint, shall not exceed the average elevation along
131 the center line of the street pavement on which it fronts. Proposed elevations
132 along the property boundaries shall match the adjacent lands, and cause no
133 storm water runoff to flow across any of the property's boundaries, as provided
134 in subsection (3) above. Retaining walls and yard slope for new construction of
135 single-family homes shall comply with the requirements of Section 90-56 of this
136 Code.
- 137 (13) A Florida Registered Professional Engineer shall provide certification of
138 conformance with these design standards of the project's grading design at the
139 time of submittal for approval of construction documents, at completion and prior
140 to occupancy.

141 **Secs. 34-44—34-65. - Reserved.**

142 * * *

143 **Section 3. Town Code Amended.** Section 90-56. – “Fences, Walls and
144 Hedges” of the Code is hereby amended as follows:

145 **Sec. 90-56. - Fences, walls and hedges.**

146 **90-56.1.A.** A fence or ornamental wall not more than six feet in height, as measured
147 from grade, may project into or enclose an interior side or rear yard only.

148 Notwithstanding anything to the contrary elsewhere in the code, for purposes of this
149 section, grade is defined as the point of the ground immediately below the location of
150 the fence or wall.

151 90-56.1.B. Retaining Wall Standards; New Single-Family Homes. A retaining wall
152 constructed to maintain site elevation in connection with new construction of a single-
153 family-home shall be a maximum height of six (6) feet measured from the existing grade
154 edge of pavement of the abutting the property and may be installed only on interior side
155 and rear property lines, and in no event in the front yard. If the subject site's ground
156 elevation is raised such that additional height is required to comply with governmental
157 regulations, including the Florida Building Code, then a railing system shall be permitted
158 to a maximum of 48" above the retaining wall, provided such railing system above the
159 wall does not exceed a maximum of 50% opacity. All retaining walls shall be concrete,
160 and stuccoed and finished on all sides. Railing systems installed above the maximum
161 six-foot (6') wall height shall not include concrete elements.

162 90-56.1.BC. Construction fencing. Temporary construction fences are required by
163 this ordinance unless otherwise determined by the Building Official. A construction
164 fence permit shall be obtained from the Building Department prior to the fence being
165 erected. Each fence constructed or maintained shall be constructed and anchored in
166 accordance with the Florida Building Code.

167 * * *

168 **Section 4. Severability.** If any section, sentence, clause or phrase of this
169 Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction,
170 then said holding shall in no way affect the validity of the remaining portions of this
171 Ordinance.

172 **Section 5. Inclusion in the Code.** It is the intention of the Town Commission,
173 and it is hereby ordained that the provisions of this Ordinance shall become and made a
174 part of the Town of Surfside Code of Ordinances, that the sections of this Ordinance may
175 be renumbered or re-lettered to accomplish such intentions; and the word "Ordinance" may
176 be changed to "Section" or other appropriate word.

177 **Section 6. Conflicts.** Any and all ordinances and resolutions or parts of
178 ordinances or resolutions in conflict herewith are hereby repealed.

179 **Section 7. Effective Date.** This ordinance shall become effective upon adoption
180 on second reading.
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182 **PASSED** on first reading on the 9th day of January, 2024.

183 **PASSED AND ADOPTED** on second reading on the 13th day of February, 2024.

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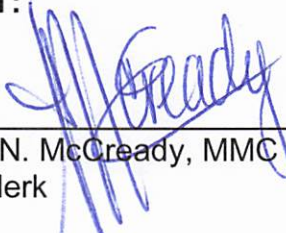
185 **First Reading:**
186 Motion by: Vice Mayor Rose
187 Second by: Commissioner Landsman

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190 **Second Reading:**
191 Motion by: Vice Mayor Rose
192 Second by: Commissioner Landsman

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195 **FINAL VOTE ON ADOPTION**


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197 Commissioner Fred Landsman Yes
198 Commissioner Marianne Meisheid No
199 Commissioner Nelly Velasquez No
200 Vice Mayor Jeff Rose Yes
201 Mayor Shlomo Danzinger Yes

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206 _____ Shlomo Danzinger, Mayor

207 **ATTEST:** 
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210 _____ Sandra N. McCready, MMC
211 Town Clerk



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213 **APPROVED AS TO FORM AND LEGALITY FOR THE USE**
214 **AND BENEFIT OF THE TOWN OF SURFSIDE ONLY:**

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216 _____
217 Weiss Serota Helfman Cole & Bierman, P.L.
218 Town Attorney
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